

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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INTERNATIONAL ASSOCIATION OF  
SHEET METAL, AIR, RAIL AND  
TRANSPORTATION WORKERS,  
TRANSPORTATION DIVISION,

Plaintiff,

UNION PACIFIC RAILROAD COMPANY,  
et al.,

Defendant.

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Civil Action Nos.: 21-cv-5506, 21-cv-5622,  
21-cv-5502

Judge

**DECLARATION OF DAVID W. PHILLIPS**

I, David W. Phillips, pursuant to 28 U.S.C. § 1746, declare that the following facts are true and correct:

1. I am the General Chairperson (“GC”) of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (“SMART-TD”) General Committee of Adjustment (“GCA”) GO-680. I have served as a full-time employee of GO-680 as General Chairperson (“GC”) since April 9, 2019. Prior to being GC, I served as First Vice GC of GCA GO-680 from August 24, 2017, until April 8, 2019. I understand this Declaration is being offered in support of SMART-TD’s Memorandum in Support of their Motion for Preliminary Injunction. This Declaration is based on personal knowledge and I am competent to testify to the matter set forth herein.

2. As GC, I am responsible for negotiating, interpreting, and enforcing the collective-bargaining agreements (“CBAs”) under my jurisdiction between my GCA, or

SMART-TD, and Norfolk Southern Railway Company (“the Carrier” or “NS”). As GC, I am familiar with the applicable local and national agreements, and various work practices which have become an integral and implicit part of those agreements between SMART-TD and NS.

3. NS’ rail system is separated into geographic divisions along its predecessor carrier lines. I am the GC over the former Norfolk & Western Railway. My office is located at 1960 Electric Rd., Ste. C, Roanoke, Virginia. SMART-TD GCA GO-169, the subordinate body with jurisdiction over certain predecessor railroads including the Central of Georgia, is located at 1855 Shoal Creek Way, Bishop, Georgia. The GC of GCA GO-169 is J. Stewart. GCA GO-687, the subordinate body with jurisdiction over the former Nickelplate, Wabash Railroad, and Grand Elk Railroad, is located at 219 S. Front St., Ste. 302, Fremont, Ohio. The GC of GCA GO-687 is J. Ball. GCA GO-898, the subordinate body with jurisdiction over the former Southern Railway, is located at 802 N. Main St., London, Kentucky. The GC of GCA GO-898 is T. Gholson.

4. On October 18, 2021, NS held a video conference call via Microsoft Teams between numerous management officials and union representatives, including the SMART-TD GCs. NS Vice President of Safety and Environmental Helen Hart (“VP Hart”) informed the union representatives that NS planned to mandate vaccines shortly thereafter on the basis that NS is a government contractor subject to the executive order issued by President Biden on September 9, 2021. VP Hart further stated that the mandate requirements and forms for requesting accommodations would be rolled out on October 20, 2021. NS additionally announced that it was unilaterally offering craft employees \$300 for those vaccinated by December 8, 2021. This was the first time that NS officials made any statements regarding mandating a COVID-19 vaccine.

5. During a subsequent call held on October 19, 2021, NS VP of Labor Relations Jason Morris (“VP LR Morris”) informed union representatives that employees who failed to meet the vaccine requirement or obtain an accommodation would be charged with failure to follow instructions and would not be permitted on NS property after December 8, 2021.

6. On October 20, 2021, NS issued a statement entitled “Federal Vaccine Mandate Will Require Change in NS Policy,” wherein it stated that it was covered under the executive order and guidance issued by the Safer Federal Workforce Task Force, and that it was therefore “obligated by law to require vaccinations for our employees.” Norfolk Southern further stated that employees must provide their vaccination status by November 8, 2021, and noted that the deadline to be fully vaccinated is December 8, 2021. A true and correct copy of that statement is attached as Exhibit A.

7. At no point prior to NS’ announcement on October 20, 2021, did Norfolk Southern bargain with SMART-TD over its unilateral implementation of its vaccine mandate nor the effects of said implementation, including bonus payments to employees, time off to get vaccinated or for side effects related to vaccination, or the consequences for employees who are not vaccinated by December 8, 2021.

8. On October 27, 2021, Norfolk Southern issued an official bulletin to all employees. This bulleting, entitled “OB-21,” noted important dates for complying with Norfolk Southern’s vaccine mandate. It noted that by November 8, 2021, employees were to upload their vaccination status to Norfolk Southern electronically and that any request for an accommodation were to be made. It also stated that December 8, 2021, was the deadline for employees to be fully vaccinated, meaning at least two weeks after the last dose of an approved vaccine. A true and correct copy of that bulletin is attached as Exhibit B.



9. By separate letters dated October 28, 2021, I, along with the other SMART-TD GCs, objected to NS's actions and demanded a meeting to discuss the matter. True and correct copies of those letters are attached as Exhibit C.

10. On November 2, 2021, NS issued a bulletin entitled "FAQs for Employees: COVID-19 Executive Order," wherein it again reiterated that all employees must be fully vaccinated by December 8, 2021; restated its process for employees requesting a medical or religious accommodation; and offered craft employees \$300 if they supply proof that they are fully vaccinated. A true and correct copy of that bulletin is attached as Exhibit D.

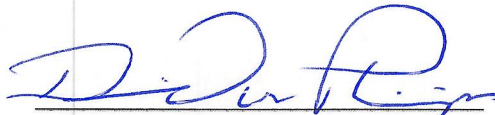
11. NS responded to the GCs' October 28 letters on November 3, 2021, wherein it contended that it has a past practice of changing rules and policies "in response to lawful federal government directives." Notably, it did not address my or the other GCs request to bargain over the effects of any vaccine mandate. True and correct copies of those letters are attached as Exhibit E.

12. On November 5, 2021, NS held a video conference call between the SMART-TD GCs and numerous management officials, including AVP Hart and VP LR Morris. During the call, VP Hart relayed new information that NS had internally decided upon regarding the vaccine mandate, including: that the deadline for employees to have their vaccine completed would be extended to January 4, 2022; that the accommodation request deadline would be extended until January 4, 2022; and that there was no longer any deadline on November 8, 2021. In addition, VP Hart advised that the \$300.00 incentive that NS unilaterally implemented remained unchanged, and that NS would release a new Operating Bulletin and FAQ sheet outlining those items. True and correct copies of the Bulletin and FAQ sheet are attached as Exhibit F. For the first time, VP LR Morris was not as definite regarding discipline for failure to be vaccinated,

stating that employees not in compliance “may be subject to discipline.” He additionally stated that those employees who seek and are denied an accommodation, will be given the opportunity to become compliant.

I declare under penalty of perjury that the following is true and correct to the best of my knowledge.

Executed this 12<sup>th</sup> day of November, 2021.

  
David W. Phillips

## **Federal Vaccine Mandate Will Require Change in NS Policy**

From the start of the pandemic, we've put a priority on maintaining safe and healthy workplaces as we pull together to keep our economy moving. We've encouraged employees to follow guidance from public health experts regarding vaccination, but we haven't mandated vaccination as some companies have done. Our employees have diverse and often deeply held views on this topic, and we respect those differences.

Our approach has worked. We've kept the trains moving and our business strong, while limiting workplace spread. Our people rose to the challenge.

Now the situation has changed. The Biden Administration has issued an [executive order](#) and associated [guidance](#) mandating that federal contractors require vaccinations for all employees. We haul tanks, Humvees, and jet fuel for the U.S. Department of Defense and deliver coal to the federally run Tennessee Valley Authority. After reviewing the order carefully to be certain, we determined that we are covered under the mandate.

That means we are obligated by law to require vaccinations for our employees.

For some, this news will require a difficult individual choice. We don't want anyone to leave the company because of this new mandate. If you've been vaccinated, please share your status through the confidential process. If you need an accommodation, please seek one.

Here's how the new requirement affects us:

- All employees need to provide their status by November 8, regardless of whether they are vaccinated, and even if they shared their status previously. This is critical for us to meet the compliance deadline and plan for potential impacts.
- You can do this by updating your "Personal Information" on [SuccessFactors](#). If you aren't fully vaccinated by November 8, you should still share your status and update your record later.
- This information will be treated as confidential medical information and handled as such.
- The federal deadline for employees to be fully vaccinated is December 8. To find a location offering vaccination in your community, we've created a [resource page](#) with links to search by zip code.
- If you have a medical condition or sincerely held religious belief that prevents you from receiving the COVID-19 vaccine, you should apply for an accommodation by November 8. You can apply at the same place you share your vaccination status – by choosing "Personal Information" on [SuccessFactors](#).
- You can find more information by visiting a new COVID-19 [resource page](#).

Whether you support the mandate or have concerns about vaccination, let's rise to the challenge by showing each other the mutual respect that is such an important value in our culture.

Your efforts to keep the trains rolling through this pandemic have been nothing short of heroic. Thank you for all you do to serve our customers and communities.

Ex. A

NORFOLK SOUTHERN CORPORATION  
OPERATIONS DIVISION

Atlanta, Georgia  
October 27, 2021

OB-21

All NS Employees:

On October 20, 2021, NS announced to its employees the applicability of a federal government mandate regarding COVID-19 vaccination issued under Executive Order 14042 and the associated Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors. NS has revised our COVID-19 vaccination requirements to comply with the Executive Order and its guidance, which mandate that NS require vaccinations or approved accommodations for employees.

**Important Dates:**

- October 20, 2021 –** NS employee vaccination status reporting and accommodation request process opened in SuccessFactors through the Employee Resource Center (ERC).
- November 8, 2021 –** Due date for employees to upload vaccination status and upload their current vaccination documentation into SuccessFactors. If status changes after November 8, employees may update that status and upload additional vaccination documentation after November 8, 2021. **Note:** Any vaccination status entries made in SuccessFactors prior to October 20, 2021 will need to be updated. All information regarding vaccination status or documentation remains confidential medical information.
- November 8, 2021 –** Due date for employees to request an accommodation if they have a medical condition or a sincerely held religious belief that prevents them from receiving the vaccination.
- December 8, 2021 –** Federal deadline for employees to be fully vaccinated (meaning 2 weeks after last dose of approved vaccine) or have an accommodation.

In order to facilitate your compliance with the federal mandate by the federally imposed deadline and the corresponding NS vaccination policy announced October 20, 2021, we have implemented the following vaccination status and accommodation request process:

1. Access SuccessFactors through the ERC or online at SuccessFactors Employee Profile and provide the required information:
  - a. Report your vaccination status and upload your vaccination documentation (typically vaccination card) by the deadlines above, or
  - b. Request an accommodation based on a medical condition or a sincerely held religious belief that prevents you from receiving the vaccination by the deadlines above.
2. For additional information, go to the NS COVID-19 Vaccination Resources page at <http://www.nscorp.com/vaccine-411>.

Ex. B

- a. Step by step instructions for accessing SuccessFactors are posted on the NS COVID-19 resource page. If you continue to have difficulty accessing or completing the COVID-19 Vaccination Certification or the accommodation forms, contact the IT Help Desk at 404-529-1527.
- b. The website has available vaccination facts and other resources, including vaccination locations near you based on your address.

**Be advised that employees who do not comply by December 8, 2021 with the NS COVID-19 vaccination or accommodation requirements as described above are subject to disciplinary action.**

Cindy Sanborn  
Executive Vice President, and  
Chief Operating Officer



General Committee of Adjustment  
Norfolk & Western Railway

D.W. Phillips, Chairman  
Mike Nelson, Secretary



1960 Electric Road, Suite C  
Roanoke, Virginia 24018

Telephone: (540) 366-7002  
Fax: (540) 366-2200  
Email: tdgo680info@gmail.com

**CERTIFIED MAIL-7020 3160 0000 0825 6008**

October 28, 2021

Jason Morris, VP Labor Relations  
Norfolk Southern Corporation  
650 West Peachtree NW  
Atlanta, GA 30380

**RE: Norfolk Southern Bulletin (OB-21) and potential discipline.**

Mr. Morris

The undersigned is in receipt of OB-21, which discusses dates and requirements for the Carrier's vaccine mandate and have also recently been party to one-sided discussions regarding the Carrier's mandate and its implementation. Such constitutes a unilateral change to the parties' agreements with respect to terms and conditions of employment. In accordance with the provisions of the Railway Labor Act, the undersigned request that the Carrier bargain over the mandate and the effects of said mandate, including proposed bonus payments to vaccinated employees as well as discipline to be imposed for non-compliance with the Carrier's mandate. Please advise as to times you are available to discuss these issues."

This is a matter of extreme seriousness. The Organization, SMART-TD General Committee 680, strongly disagrees that Carrier has the right to operate in the above matter. I expect your response in writing in the requirements set forth in the Railway Labor Act.

Respectfully,

A handwritten signature in black ink, appearing to read "D.W. Phillips".

D.W. Phillips, General Chairperson  
SMART-TD GO680

Cy: Jeremy Ferguson, SMART-TD President

Ex. C

**Thomas P. Gholson**  
General Chairperson

International Association of Sheet Metal, Air, Rail and Transportation Workers



**General Committee  
Of**

**Adjustment 898**

Southern Lines

802 N Main St

London, KY 40741-1121

Phone: 865-681-3939

Fax: 865-681-3940

**Jason R. Roberts**  
Asst. General Chairperson

October 28, 2021

Mr. Jason Morris  
Vice President of Labor Relations  
Norfolk Southern Corporation  
650 West Peachtree NW  
Atlanta, GA 30308

**CERTIFIED MAIL**

7020 3160 0001 7489 0488

Re: Norfolk Southern Operating Bulletin (OB-21) Vaccine Mandate including threat of discipline

Dear Sir:

The undersigned is in receipt of OB-21, which discusses dates and requirements for the Carrier's vaccine mandate, and we have also recently been party to one-sided discussions regarding the Carrier's mandate and its implementation. This Committee absolutely disagrees that the Carrier has any right under the existing Agreements and practices to make such changes without bargaining. Such constitutes a unilateral change to the parties' agreements with respect to terms and conditions of employment.

Because of the importance of this issue, the Organization demands an immediate meeting regarding his matter since the Act places an affirmative duty on the parties to "make and maintain agreements." Moreover, due to the seriousness of the new policy outlining wages/discipline, we demand an immediate conference per the Railway Labor Act, Title 45, Section 152(6), at the SMART-TD GO898, London, KY, which is situated upon the line of the Carrier to discuss this issue prior to the close of business on Friday, November 12, 2021, or sooner.

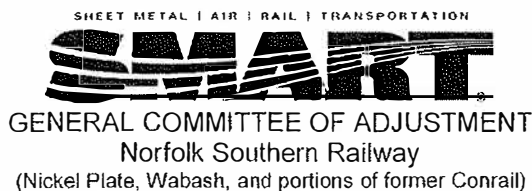
Respectfully,

A handwritten signature in blue ink, appearing to read "Thomas P. Gholson". The signature is fluid and cursive, with a large loop at the beginning.

T.P. Gholson  
General Chairman  
SMART TD GO898

Cc: Jeremy Ferguson - SMART-TD President

**JAMES E. BALL, JR.**  
General Chairperson  
Elkhart, Indiana  
Toledo, Ohio



219 S. Front Street  
Suite 302  
Fremont, Ohio 43420  
(567) 342-3113

**BRIAN T. SHARKEY**  
Assistant Chairperson  
Buffalo, NY  
St. Thomas, Ontario

October 28, 2021

**NICHOLAS M.  
GREFICZ**  
Secretary  
Detroit, Michigan  
Jackson, Michigan

Certified Mail Receipt. # 7020 3160 0001 4445 1213

Mr. Jason Morris  
Vice President of Labor Relations  
Norfolk Southern Corporation  
650 West Peachtree NW  
Atlanta, GA 30308

Re: Norfolk Southern Operating Bulletin (OB-21) Vaccine Mandate including threat of discipline

Dear Sir:

The undersigned is in receipt of OB-21, which discusses dates and requirements for the Carrier's vaccine mandate, and we have also recently been party to one-sided discussions regarding the Carrier's mandate and its implementation. This Committee absolutely disagrees that the Carrier has any right under the existing Agreements and practices to make such changes without bargaining. Such constitutes a unilateral change to the parties' agreements with respect to terms and conditions of employment.

Because of the importance of this issue, the Organization demands an immediate meeting regarding this matter since the Act places an affirmative duty on the parties to "make and maintain agreements." Moreover, due to the seriousness of the new policy outlining wages/discipline, we demand an immediate conference per the Railway Labor Act, Title 45, Section 152(6), at the SMART-TD GO687 Office in Fremont, Ohio, which is situated upon the line of the Carrier to discuss this issue prior to the close of business on Friday, November 12, 2021, or sooner.

Representing the Members,

James E. Ball, Jr.

General Chairperson  
SMART - Transportation Division

Cc: Jeremy Ferguson – SMART-TD President

BTS

## **FAQs for Employees: COVID-19 Executive Order**

### **Purpose**

#### **Q: Why is NS moving in this direction?**

A: On September 9, 2021, President Biden signed Executive Order 14042. This order and the associated federal safety protocols for federal contractors that were issued on September 24, 2021, require covered contractors who work with the federal government to ensure that their employees are fully vaccinated for COVID-19 by December 8, 2021. As a covered contractor, Norfolk Southern must adhere to these requirements.

#### **Q: Why don't we turn down the work we do that makes us a contractor of the federal government?**

A: Norfolk Southern provides transportation services to the federal government that are critical to national security and the nation's economic well-being. We transport a variety of military vehicles and supporting equipment for the Department of Defense and other agencies, including moving equipment from "fort to port" to support military training exercises with allies. In addition, we deliver low-sulfur coal to the southeast, for a government utility, supporting approximately 700,000 homes. Finally, our railroad is a subcontractor for various other companies that are federal contractors. Under the executive order, employees of subcontractors also are required to be fully vaccinated.

### **COVID-19 Vaccination FAQs**

General information on COVID-19 vaccination facts and myths can be found at [CDC Facts and Myth Busters Link](#).

#### **Q: When am I considered fully vaccinated?**

A: You are considered fully vaccinated two weeks after the final dose of your vaccination. That means you are fully vaccinated two weeks after either the second dose of a two-dose vaccine, or two weeks after the only dose of a single-dose vaccine. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>

#### **Q: Will regular booster shots be required to maintain vaccinated status?**

A: The Executive Order does not require that employees have a booster shot to be considered fully vaccinated. We encourage employees to receive booster shots in accordance with the guidance of their doctor or the CDC. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/booster-shot.html>

#### **Q: Should I continue to wear a face mask if I get vaccinated?**

A: Until further guidance becomes available, you should continue to wear a face covering on Norfolk Southern property, whether or not you are vaccinated, as required under FRA Emergency Order 32 and NS Operations Bulletin OB-4. [FRA EO 32 Link](#)

#### **Q: I cannot receive the vaccine because I received the antibody infusion – will this impact my employment?**

A: If you have a medical reason for not getting vaccinated prior to December 8, 2021, you must submit a request for accommodation in SuccessFactors by November 8, 2021. Note that an antibody infusion is not the same as having recovered from COVID or having "natural immunity" to the virus.

**Q: What if I have underlying health conditions?**

A: Per the CDC, getting a COVID-19 vaccine is important if you have one of several medical conditions, especially if you are immuno-compromised. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/underlying-conditions.html> and <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> If you have a medical reason for not getting the vaccine prior to December 8, 2021, you must submit a request for accommodation in SuccessFactors by November 8, 2021.

**Q: Do I have to wait 14 days after my flu shot to receive a COVID-19 vaccination?**

A: According to CDC guidance, there is no reason to wait any amount of time between a COVID-19 vaccine and any other vaccination. They can be administered on the same day. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/expect.html>

**Q: Will there be a weekly testing option?**

A: No. The federal mandate for government contractors does not allow weekly testing as an alternative to getting vaccinated.

**Q: What are the approved vaccines that comply with the Executive Order?**

A: Pfizer, Moderna, Johnson & Johnson and AstraZeneca/Oxford are the vaccines that comply.

**Q: Do I need to upload the back of my COVID vaccination card?**

A: No. You only need to upload the front of the COVID-19 vaccination card.

**Q: What do I do if I'm having technical difficulties with this process?**

A: If the instructions on the [411 website](#) did not resolve your issues, call the IT helpdesk at 404-529-1527.

**Exemption FAQs****Q: How do I get an exemption to the vaccination requirement?**

A: Consistent with the guidance issued as required by the executive order, accommodations for certain medical conditions and sincerely held religious beliefs are available. If you need a medical or religious accommodation, please complete the appropriate form in SuccessFactors by November 8, 2021. After your request is reviewed, you will be notified by Health Services or EEO via email on the status of your accommodation request. If you need further details on how to apply for an accommodation, please go to the "Step-by-Step How to Report your Vaccination Status" section of this website.

**Q: I have read that recent research indicates previous infection is more protective than the vaccine. If I can document infection, am I exempt?**

A: Research has not shown how long immunity from natural infection lasts or whether infection with one variant of COVID-19 is protective against other variants. The Executive Order does not grant any exceptions for those who may have been previously infected and requires vaccination even if someone has previously had COVID-19.

**Q: Are remote workers exempt from complying with the Executive Order?**

A: No, the executive order includes all employees, regardless of whether they work remotely.



**Q: If an employee applies for an accommodation and is approved what happens?**

A: If an accommodation request is granted, the accommodations committee will work with the employee to identify a reasonable accommodation that will allow the employee to continue working in a safe manner.

**Q: If an employee submits a timely, good faith request and our review extends beyond December 8, will employees be able to keep working while their request is under review.**

A: If such a request is denied, even after December 8, employees will be given a reasonable amount of time to get vaccinated before they would be removed from service and will be able to continue to work in the interim using appropriate safety precautions.

**Q: If I request an accommodation by November 8, 2021, my request is denied, and my full vaccination date is past December 8, 2021, what happens next?**

A: If you put in a good faith effort and schedule your vaccinations quickly, you will be provided short-term relief and will be able to continue to work using appropriate safety precautions.

**Q: When do I have to be vaccinated if my approved medical accommodation is temporary?**

A: The accommodations committee will work with the employee to identify a timeline for vaccination, and the employee will be able to continue to work using appropriate safety precautions during this time.

**Q: How are accommodation requests reviewed and can the decision be appealed?**

A: Each request will be handled on an individual basis, is an iterative process, and each request inherently will be unique. We will take sufficient time to review each candidate's accommodation request. Once the iterative process with the employee is complete, we will advise the employee of the company's final decision, which is not subject to appeal.

**Obtaining the COVID-19 vaccination FAQs****Q: Are you going to give vaccinations on NS property?**

A: Because vaccinations are readily available at local pharmacies across our network, NS has not hosted vaccination clinics on railroad property to date. We are evaluating the feasibility of this as an option considering the mandate. Employees can use [this convenient CDC link](#) to find a pharmacy or other health provider near you offering COVID-19 vaccinations.

**Q: Will I receive time off to be vaccinated?**

A: Employees are expected to get vaccinated during non-working hours. For appointments during working hours, employees should follow the usual process to schedule with their supervisor.

**Pay, Employment Status, Retirement, Insurance, Vacation, Relocation, Privacy FAQsQ:****What pay or time-off will I receive for getting vaccinated?**

A: Craft employees will be paid \$300 if they are fully vaccinated and provide the required proof of vaccination via SuccessFactors, or submit an appropriate accommodation request that is ultimately approved, before December 8, 2021.

Management employees will receive a half-day vacation to be used in 2022 if they are fully vaccinated and provide proof of vaccination via SuccessFactors, or submit an appropriate accommodation request that is ultimately approved, prior to December 8, 2021.

All employees must confirm current vaccination status by November 8, 2021 and should update their status as needed following that date.

**Q: If I have complications from my vaccination will sick time be paid?**

A: Craft and management employees will follow their usual sick time protocol.

**Q: I'm a management employee. Will I receive severance if I don't comply with the executive order?**

A: Employees who refuse to be vaccinated (and/or are not approved for an accommodation) and thereby decide to end their employment relationship will not receive severance.

**Q: How will the executive order impact my PPI and guarantee pay?**

A: The eligibility for PPI and guarantee remain unchanged.

**Q: Will I maintain my equity awards if I leave the organization on December 8, 2021?**

A: If you are retirement eligible and you elect to retire on or before January 1, 2022, you will retain all equity awards. If you are not retirement eligible, you will forfeit all unvested equity.

**Q: Will I receive my 2021 annual incentive paid out in 2022 if I leave the organization on December 8, 2021?**

A: If you are otherwise eligible, you will receive your 2021 annual incentive payable in 2022 if you are an active employee on December 31, 2021 and a prorated annual incentive if you retire prior to December 31, 2021.

**Q: Will I get paid out my vacation if I leave the organization on December 8, 2021?**

A: Craft employees will be paid any unused 2021 vacation and any 2022 vacation for which you are eligible. Management employees will be paid for unused 2021 vacation. Note that rollover days from the previous year are not eligible to be paid out.

**Q: Will I be disciplined or dismissed for failing to get the vaccination and/or not being approved for an accommodation?**

A: In compliance with the Executive Order, all employees must be fully vaccinated or have requested an accommodation by December 8, 2021, to remain working at Norfolk Southern. For craft employees, any discipline will be handled in accordance with the applicable agreement provisions covering discipline handling.

**Q: If I don't plan on getting vaccinated, can I retire?**

A: Craft employees eligible for retirement may retire on December 8, 2021.

Management employees eligible for retirement may retire as late as January 1, 2022. (Management employees must retire on the first of the month.) If a management employee plans on retiring on January 1, 2022, their last day of work will be December 7, 2021 and they will be granted Leave of Absence until retirement on January 1. Please reach out to Aon, our NS pension administrator, for questions regarding your pension. <https://ypr.aon.com/nscorp> or 855-674-0422

**Q: Will I be eligible for COBRA if I leave the organization on December 8, 2021?**

A: Yes, you will be eligible for COBRA.

**Q: Will I be eligible for RUIA insurance if I leave the organization on December 8, 2021?**

A: Please contact the [RRB](#) with Railroad Retirement eligibility questions.

**Q: Will I be required to repay any relocation benefits if I don't comply with the executive order?**

A: Yes, you will be required to repay any relocation obligation per your signed contract.

**Q: Can I just certify that I've been vaccinated? Why do I have to supply a copy of my vaccination card?**

A: Norfolk Southern has been asking employees to voluntarily input their vaccination status into SuccessFactors for some time, without asking for other documentation. The guidelines issued in the Executive Order require proof of vaccination in the form of a vaccine card or similar evidence. If you lost your card and need a new copy, please contact the service provider where you obtained the vaccination or your state or local health department for another copy. The SuccessFactors portal allows you to take a photo of your card or other documentation and upload it directly into the system. If you need further details on how to upload your proof of vaccination, please go to the resources section of this website.

**Q: Isn't your request for me to provide my vaccination card a violation of HIPAA?**

A: No. Requesting your proof of vaccination is not covered by the HIPAA Privacy Act. Your information will be treated in a confidential manner. For further information please [Click this HSS.GOV Site.](#)

**Q: If I become positive for COVID-19, will this and my vaccination status become public information?**

A: As has been the case with all other COVID-19 medical information you may have provided to NS, any information you provide on your health status, including vaccination status, remains confidential.

**Additional FAQs****Q: Must all contractors comply with the executive order (including crew drivers)?**

A: Norfolk Southern contractors are covered by the requirements of the Executive Order as subcontractors to the government.

**Q: What do I do if I think I have experienced discrimination or harassment?**

A: Contact the NS EEO group at [eeo@nscorp.com](mailto:eeo@nscorp.com) or 1 888 TALKEEO.

**Q: How does this impact current applicants and job offerees?**

A: Our Talent Acquisition team has processes in place to communicate the requirements of the Executive Order with applicants and job offerees.

**Q: I'm an intern, how does this impact me?**

A: Interns must comply with the Executive Order or their last day of employment will be December 7, 2021.

**Q: Are international employees who work in the United States required to be vaccinated?**

A: All employees who work for Norfolk Southern in the United States are covered by the Executive Order requirements.

**Q: Are we going to maintain the COVID notification process at 650 WPT?**

A: We will continue to follow our COVID notification and contact tracing process. We will continue to monitor safety best practices and adjust as recommended by the CDC.

**Q: Does the Executive Order apply to subsidiaries and the Crown Companies?**

A: Yes, it applies to subsidiaries and the Crown Companies.

**Q: If I'm not in active service on December 8, 2021, do I have to comply with the Executive Order?**

A: In order to return to active service, you will have to comply with the requirements that NorfolkSouthern has implemented in order to comply with the Executive Order.

**Q: Will I be required to return NS assets if I do not comply with the Executive Order?**

A: Yes, when you end your employment relationship, you will be required to return all NS property.

**Q: How do I host visitors to come on to NS property?**

A: Contact your Human Resources Business Partner, who will walk you through the process.



Norfolk Southern Corporation  
650 West Peachtree Street NW, Box #1  
Atlanta, Georgia 30308

**John J. Muskovac IV**  
Director  
Labor Relations  
(757) 802-0631

November 3, 2021

CW-UTU-20-1 (Phillips)

Mr. D. W. Phillips, General Chairman  
SMART-TD GO680  
1960 Electric Road, Suite C  
Roanoke, Virginia 24018

Dear Mr. Phillips,

This is in response to your letter dated October 28, 2021, addressed to Vice President Labor Relations J. M. Morris, regarding Norfolk Southern Operating Bulletin (OB-21) which outlines vaccination requirements to comply with Executive Order 14042 and the associated Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidelines for Federal Contractors and Subcontractors. As this matter falls under my area of responsibility, I am responding on behalf of Mr. Morris.

Norfolk Southern has a long-standing and well-settled past practice of unilaterally changing its rules and policies governing position requirements, medical standards and qualifications, fitness-for-duty standards for its employees, and safety in response to lawful federal government directives. Norfolk Southern also has a long-standing and well-settled practice of unilaterally providing compensation beyond that contemplated in the Collective Bargaining Agreement. Given these long-standing and well-settled practices, it is clear that existing Agreements and practices allow Norfolk Southern to implement the federally required vaccination requirements outlined in Operating Bulletin (OB-21).

While Norfolk Southern has acted in full compliance with existing Agreements and practices, I am agreeable to meeting with you at 1:30 p.m. in Norfolk, Virginia on Tuesday, November 16, 2021, to further discuss this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Muskovac'.

Ex. E





Norfolk Southern Corporation  
650 West Peachtree Street NW, Box #1  
Atlanta, Georgia 30308

**Andrew J. Shepard**  
Director  
Labor Relations  
(757) 802-1221

November 3, 2021

CS-UTU-20-1 (Gholson)

Mr. Thomas P. Gholson, General Chairman  
SMART-TD  
802 N. Main Street  
London, Kentucky 40741

Mr. Gholson:

This is in response to your letter dated October 28, 2021, regarding Norfolk Southern Operating Bulletin (OB-21) which outlines vaccination requirements to comply with Executive Order 14042 and the associated Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidelines for Federal Contractors and Subcontractors.

Norfolk Southern has a long-standing and well-settled past practice of unilaterally changing its rules and policies governing position requirements, medical standards and qualifications, fitness-for-duty standards for its employees, and safety in response to lawful federal government directives. Norfolk Southern also has a long-standing and well-settled practice of unilaterally providing compensation beyond that contemplated in the Collective Bargaining Agreement. Given these long-standing and well-settled practices, it is clear that existing Agreements and practices allow Norfolk Southern to implement the federally required vaccination requirements outlined in Operating Bulletin (OB-21).

While Norfolk Southern has acted in full compliance with existing Agreements and practices, I am agreeable to meeting with you. However, I am not agreeable to meeting as suggested in your letter. I am agreeable to meeting at 3:00 p.m. in Norfolk, Virginia on Tuesday, November 16, 2021.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew J. Shepard", written in a cursive style.



Norfolk Southern Corporation  
650 West Peachtree Street NW, Box #1  
Atlanta, Georgia 30308

**Andrew J. Shepard**  
Director  
Labor Relations  
(757) 802-1221

November 3, 2021

CS-UTU-20-1 (Stewart)

Mr. J. E. Stewart, Jr., General Chairman  
SMART-TD  
1855 Shoal Creek Way  
Bishop, Georgia 30621-6535

Dear Mr. Stewart:

This is in response to your letter dated October 28, 2021, regarding Norfolk Southern Operating Bulletin (OB-21) which outlines vaccination requirements to comply with Executive Order 14042 and the associated Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidelines for Federal Contractors and Subcontractors.

Norfolk Southern has a long-standing and well-settled past practice of unilaterally changing its rules and policies governing position requirements, medical standards and qualifications, fitness-for-duty standards for its employees, and safety in response to lawful federal government directives. Norfolk Southern also has a long-standing and well-settled practice of unilaterally granting compensation beyond that contemplated in the Collective Bargaining Agreement. Given these long-standing and well-settled practices, it is clear that existing Agreements and practices allow Norfolk Southern to implement the federally required vaccination requirements outlined in Operating Bulletin (OB-21).

While Norfolk Southern has acted in full compliance with existing Agreements and practices, I am agreeable to meeting with you at 1:30 p.m. in Norfolk, Virginia on Tuesday, November 16, 2021, to further discuss this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew J. Shepard", written in a cursive style.

# Important update on federal COVID-19 vaccine mandate

New government guidelines offer more flexibility



FORGE

Friday, November 5, 2021

This week, the Biden administration issued new guidelines to federal contractors regarding the federal COVID-19 vaccination mandate. The updated guidance provides covered companies like Norfolk Southern more flexibility in how we implement and ensure compliance with the [executive order](#) requiring vaccination for employees of federal contractors.

After a careful review of the new guidance, we are updating our implementation plan. As a result, employees will have additional time to:

- Share your vaccination status on SuccessFactors. Now, all employees have until January 4 to update or report your vaccination status confidentially on SuccessFactors, including uploading proof of vaccination. Initially, we had set November 8 as the deadline.
- Become vaccinated. With the new guidance, employees now have until January 4 to complete their vaccination shots. The federal mandate originally established December 8 as the deadline for employees to become fully vaccinated.
- Request an accommodation for medical reasons or sincerely held religious beliefs. Employees now have until January 4 to file for an accommodation

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request through SuccessFactors. Under the new guidance, employees can continue working while their request is in process, even after January 4.

As CEO Jim Squires has said, we don't want anyone to leave the company because of this federal requirement. That would be a bad outcome for everyone – for the individual who makes that difficult decision, for our company, and for the nation, which relies on the transportation services we provide.

Rather than leave our company, we urge you to take advantage of resources to learn more about the safety and effectiveness of the vaccines or submit a request for accommodation if you have a medical or religious need for an exemption. Each request will receive individual, respectful, and confidential consideration, and our intention is to grant good-faith requests when possible. If you seek an accommodation and it is declined, you still can decide to get vaccinated and continue working while you do so. If you have questions about the COVID-19 vaccines, please visit our [resource page](#) to learn more. You will find answers to your questions as well as information about how to apply for an accommodation, find a location in your community offering vaccinations, report your vaccination status, and more. If you haven't viewed the video message from our CEO about the federal mandate, it can be found [here](#).

We will support our employees while also fulfilling our obligation to comply with the federal vaccination mandate. We will work with unvaccinated employees to provide the information and resources you need to make the best decision for you and your family, and we recognize and appreciate those employees who already have been vaccinated.

By continuing to pull together, we will get through this difficult time. Thank you for all you do to serve our customers and communities.

NORFOLK SOUTHERN  
OPERATIONS DIVISION

Atlanta, Georgia  
November 5, 2021

OB-23

All NS Employees:

Effective immediately, Operations Bulletin No. 21 titled NS COVID-19 Vaccination Requirement, is cancelled. NS vaccination reporting instructions are updated and reissued in this Operations Bulletin.

On October 20, 2021, NS announced to its employees the applicability of a federal government mandate regarding COVID-19 vaccination issued under Executive Order 14042 and the associated Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors. On November 4, 2021, the federal government issued additional guidance. As such, NS has revised our COVID-19 vaccination requirements to comply with the Executive Order and its guidance, which mandate that NS require vaccinations for employees unless they are entitled to an accommodation.

**Important Dates:**

- October 20, 2021** – NS employee vaccination status reporting and accommodation request process opened in SuccessFactors through the Employee Resource Center (ERC).
- November 4, 2021** – Federal government issued additional guidance on COVID-19 vaccination requirements, revising the federal deadline for full vaccination.
- January 4, 2022** – Due date for employees to upload vaccination status and upload their current vaccination documentation into SuccessFactors **Note:** Any vaccination status entries made in SuccessFactors prior to October 20, 2021 will need to be updated. All information regarding vaccination status or documentation remains confidential medical information.
- January 4, 2022** – Due date for employees to request an accommodation if they have a medical condition or a sincerely held religious belief that prevents them from receiving the vaccination.
- January 4, 2022** – Federal deadline for employees to have last dose of vaccine or have requested an accommodation.

In order to facilitate your compliance with the federal mandate by the federally imposed deadline and the corresponding NS vaccination policy, we have implemented the following vaccination status and accommodation request process:

1. Access SuccessFactors through the ERC or online at [SuccessFactors Employee Profile](#) and provide the required information:
  - a. Report your vaccination status and upload your vaccination documentation (typically vaccination card) by the deadlines above, **or**
  - b. Request an accommodation based on a medical condition or a sincerely held religious belief that prevents you from receiving the vaccination by the deadlines above.



2. For additional information, go to the NS COVID-19 Vaccination Resources page at <http://www.nscorp.com/vaccine-411> .
  - a. Step by step instructions for accessing SuccessFactors are posted on the NS COVID-19 resource page. If you continue to have technical difficulty accessing or completing the COVID-19 Vaccination Certification or the accommodation forms, contact the IT Help Desk at 404-529-1527.
  - b. The website has available vaccination facts and other resources, including vaccination locations near you based on your address.

**Be advised that employees who do not comply by January 4, 2022 with the NS COVID-19 vaccination or accommodation requirements as described above are subject to disciplinary action.**

Cindy Sanborn  
Executive Vice President, and  
Chief Operating Officer

## **UPDATED FAQs for Employees: COVID-19 Executive Order**

### **Purpose**

#### **Q: Why is NS moving in this direction?**

A: On September 9, 2021, President Biden signed Executive Order 14042. This order and the associated federal safety protocols for federal contractors that were issued on September 24, 2021, require covered contractors who work with the federal government to ensure that their employees are fully vaccinated for COVID-19 or apply for a medical or religious accommodation by December 8, 2021. As a covered contractor, Norfolk Southern must adhere to these requirements.

The federal government issued additional guidance on November 4, 2021 adjusting the deadline by which employees must receive their final vaccine dosage or seek an accommodation to January 4, 2022. Norfolk Southern will continue monitor the federal requirements.

#### **Q: Why don't we turn down the work we do that makes us a contractor of the federal government?**

A: Norfolk Southern provides transportation services to the federal government that are critical to national security and the nation's economic well-being. We transport a variety of military vehicles and supporting equipment for the Department of Defense and other agencies, including moving equipment from "fort to port" to support military training exercises with allies. In addition, we deliver low-sulfur coal to the southeast, for a government utility, supporting approximately 700,000 homes. Finally, our railroad is a subcontractor for various other companies that are federal contractors. Under the executive order, employees of subcontractors also are required to be fully vaccinated.

### **COVID-19 Vaccination FAQs**

General information on COVID-19 vaccination facts and myths can be found at [CDC Facts and Myth Busters Link](#).

#### **Q: When am I considered fully vaccinated?**

A: You are considered fully vaccinated two weeks after the final dose of your vaccination. That means you are fully vaccinated two weeks after either the second dose of a two-dose vaccine, or two weeks after the only dose of a single-dose vaccine. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>

However, under the updated guidance, the deadline by which employees must receive their final dose of a vaccine or seek an accommodation is January 4, 2022. The two week waiting period following vaccination has been lifted for purposes of compliance under the updated guidance.

#### **Q: Will regular booster shots be required to maintain vaccinated status?**

A: The Executive Order does not require that employees have a booster shot to be considered fully vaccinated. We encourage employees to receive booster shots in accordance with the guidance of their doctor or the CDC. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/booster-shot.html>

**Q: Should I continue to wear a face mask if I get vaccinated?**

A: Until further guidance becomes available, you should continue to wear a face covering on Norfolk Southern property, regardless of whether you are vaccinated, as required under FRA Emergency Order 32 and NS Operations Bulletin OB-4. [FRA EO 32 Link](#)

**Q: I cannot receive the vaccine because I received the antibody infusion – will this impact my employment?**

A: If you have a medical reason for not getting vaccinated, you must submit a request for accommodation in SuccessFactors by January 4, 2022. Note that an antibody infusion is not the same as having recovered from COVID or having “natural immunity” to the virus.

**Q: What if I have underlying health conditions?**

A: Per the CDC, getting a COVID-19 vaccine is important if you have one of several medical conditions, especially if you are immuno-compromised. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/underlying-conditions.html> and <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

If you have a medical reason for not getting the vaccine, you must submit a request for accommodation in SuccessFactors by January 4, 2022.

**Q: Do I have to wait 14 days after my flu shot to receive a COVID-19 vaccination?**

A: According to CDC guidance, there is no reason to wait any amount of time between a COVID-19 vaccine and any other vaccination. They can be administered on the same day. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/expect.html>

**Q: Will there be a weekly testing option?**

A: No. The federal mandate for government contractors does not allow weekly testing as an alternative to getting vaccinated.

**Q: What are the approved vaccines that comply with the Executive Order?**

A: Pfizer, Moderna, Johnson & Johnson and AstraZeneca/Oxford are the vaccines that comply.

**Exemption FAQs****Q: How do I request an exemption to the vaccination requirement?**

A: Consistent with the guidance issued as required by the executive order, accommodations for certain medical conditions and sincerely held religious beliefs are available. If you need a medical or religious accommodation, please complete the appropriate form in SuccessFactors by January 4, 2022. Sufficient time will be taken to ensure careful review and consideration is given to each individual request; therefore, it may take a longer period of time than expected before we are able to review a particular submission. You may continue working while following all relevant safety protocols as we process and review your request. After your request is reviewed, you will be notified by Health Services or EEO via email on the status of your accommodation request. If you need further details on how to apply for an accommodation, please go to the “Step-by-Step How to Report your Vaccination Status” section of this website.

**Q: Should I keep working while my accommodation is under review?**

A: Yes. You are to continue working, following all company safety protocols.

**Q: I have read that recent research indicates previous infection is more protective than the vaccine. If I can document infection, am I exempt?**

A: Research has not shown how long immunity from natural infection lasts or whether infection with one variant of COVID-19 is protective against other variants. The guidance issued as required by the Executive Order does not grant any exceptions for those who may have been previously infected and requires vaccination even if someone has previously had COVID-19.

**Q: Are remote workers exempt from complying with the Executive Order?**

A: No. The guidance issued as required by the Executive Order includes all employees, regardless of whether they work remotely.

**Q: If an employee applies for an accommodation and is approved what happens?**

A: If an accommodation request is granted, the accommodations committee will work with the employee to identify a reasonable accommodation that will allow the employee to continue working in a safe manner.

**Q: If an employee submits a timely, good faith accommodation request and the review extends beyond January 4, 2022, will employees be able to keep working while their request is under review.**

A: Yes. Employees whose accommodation requests are still under review are to continue working in the interim using continued safety precautions until such time an accommodation determination is made. If such a request is denied, employees will be given a reasonable amount of time to get vaccinated.

**Q: If I request an accommodation in SuccessFactors by January 4<sup>th</sup>, my request is denied and my full vaccination date is past January 4, 2022, what happens next?**

A: If your accommodation request is denied, we will work with you to ensure you have a reasonable period of time to get vaccinated. As long as you are making good faith efforts to do so, you will be able to continue working using appropriate safety precautions during this period of time.

**Q: When do I have to be vaccinated if my approved medical accommodation is temporary?**

A: The accommodations committee will work with the employee to identify a timeline for vaccination, and the employee is to continue working using appropriate safety precautions during this time.

**Q: How are accommodation requests reviewed and can the decision be appealed?**

A: Each request will be handled on an individual basis, is an interactive process, and each request inherently will be unique. We will take sufficient time to review each candidate's accommodation request and it may take longer than expected to review each particular submission. Once the interactive process with the employee is complete, we will advise the employee of the company's final decision, which is not subject to appeal. Again, you may continue to work during this process while following all safety protocols and you should not make repeated requests for updates as your submission is under review.

## Obtaining the COVID-19 vaccination FAQs

### **Q: Are you going to give vaccinations on NS property?**

A: Vaccinations are readily available at local pharmacies across our network and employees can use this convenient CDC [link](#) to find a pharmacy or other health provider near you offering COVID-19 vaccinations. In light of the mandate, we have partnered with local health departments in certain locations to host vaccination clinics on railroad property and we are evaluating the feasibility of hosting other vaccination clinics in other locations. If a clinic is not available at your particular work location, you should avail yourself of one of the many locations that currently offers the vaccine, including pharmacies, grocery stores, certain large retail chains, and public health departments.

### **Q: Will I receive time off to be vaccinated?**

A: Employees are expected to get vaccinated during non-working hours. For appointments during working hours, employees should follow the usual process to schedule with their supervisor.

## Pay, Employment Status, Retirement, Insurance, Vacation, Relocation, Privacy FAQs

### **Q: What pay or time-off will I receive for getting vaccinated?**

A: Craft employees will be paid \$300 if they receive their final vaccine dose and provide the required proof of vaccination via SuccessFactors, or submit a good faith accommodation request before January 4, 2022 that is ultimately approved.

Management employees will receive a half-day vacation to be used in 2022 if they receive their final vaccine dose and provide proof of vaccination via SuccessFactors, or submit a good faith accommodation request before January 4, 2022 that is ultimately approved.

All employees must confirm their current vaccination status and upload the appropriate supporting documentation.

### **Q: If I have complications from my vaccination will sick time be paid?**

A: Craft and management employees will follow their usual sick time protocol.

### **Q: I'm a management employee. Will I receive severance if I don't comply with the executive order?**

A: We want to reiterate that we do not want anyone to leave Norfolk Southern over the mandate and will work with employees who are legally entitled to an accommodation. However, employees who refuse to be vaccinated (and/or are not approved for an accommodation) and thereby decide to end their employment relationship will not receive severance.

### **Q: How will the executive order impact my PPI and guarantee pay?**

A: The eligibility for PPI and guarantee remain unchanged.

### **Q: Will I maintain my equity awards if I leave the organization on January 4, 2022?**

A: We do not want anyone to leave Norfolk Southern over the mandate and will work with employees who are legally entitled to an accommodation. If you are retirement eligible and you elect to retire on or before February 1, 2022, you will retain all equity awards. You will not be granted 2022 equity awards. If you are not retirement eligible, you will forfeit all unvested equity.



**Q: Will I receive my 2021 annual incentive paid out in 2022 if I leave the organization on January 4, 2022?**

A: We do not want anyone to leave Norfolk Southern over the mandate and will work with employees who are legally entitled to an accommodation. If you are otherwise eligible, you will receive your 2021 annual incentive payable in 2022.

**Q: Will I get paid out my vacation if I leave the organization on January 4, 2022?**

A: We do not want anyone to leave Norfolk Southern over the mandate and will work with employees who are legally entitled to an accommodation.

Craft employees will be paid any 2022 vacation for which you are eligible.

Management employees will be paid for unused 2022 vacation. Note that rollover days from the previous year and flex holidays are not eligible to be paid out.

**Q: Will I be disciplined or dismissed for failing to get the vaccination and/or not being approved for an accommodation?**

A: In compliance with the Executive Order, all employees must be fully vaccinated or have requested an accommodation to remain working at Norfolk Southern. For craft employees, any discipline will be handled in accordance with the applicable agreement provisions.

**Q: If I don't plan on getting vaccinated, can I retire?**

A: We do not want anyone to leave Norfolk Southern over the mandate and will work with employees who are legally entitled to an accommodation.

Craft employees eligible for retirement may retire on January 4, 2022.

Management employees eligible for retirement may retire as late as February 1, 2022. (Management employees must retire on the first of the month.) If a management employee plans on retiring on February 1, 2022, their last day of work will be January 3, 2022 and they will be granted leave of absence until retirement on February 1, 2022. Please reach out to Aon, our NS pension administrator, for questions regarding your pension. <https://ypr.aon.com/nscorp> or call 855-674-0422

**Q: Will I be eligible for COBRA if I leave the organization on January 4, 2022?**

A: We want to reiterate that we do not want anyone to leave Norfolk Southern over the mandate and will work with employees who are legally entitled to an accommodation. That said, if you do decide to end your employment with Norfolk Southern you will be eligible for COBRA.

**Q: Will I be eligible for RUIA insurance if I leave the organization on January 4, 2022?**

A: We do not want anyone to leave Norfolk Southern over the mandate and will work with employees who are legally entitled to an accommodation. Please contact the [RRB](#) with Railroad Retirement eligibility questions.

**Q: Will I be required to repay any relocation benefits if I don't comply with the executive order?**

A: Yes, you will be required to repay any relocation obligation per your signed contract.

**Q: Can I just certify that I've been vaccinated? Why do I have to supply a copy of my vaccination card?**

A: The guidelines issued as a result of the Executive Order require proof of vaccination in the form of a vaccine card or similar evidence. If you lost your card and need a new copy, please contact the service provider where you obtained the vaccination or your state or local health department for another copy. The SuccessFactors portal allows you to take a photo of your card or other documentation and upload it directly into the system. If you need further details on how to upload your proof of vaccination, [please go to the resources section of this website.](#)

**Q: Do I need to upload the back of my COVID vaccination card?**

A: No. You only need to upload the front of the COVID-19 vaccination card.

**Q: Isn't your request for me to provide my vaccination card a violation of HIPAA?**

A: No. Requesting your proof of vaccination is not covered by the HIPAA Privacy Act. Your information will be treated in a confidential manner. For further information please [click this HSS.GOV link](#).

**Q: If I become positive for COVID-19, will this and my vaccination status become public information?**

A: As has been the case with other COVID-19 medical information you may have provided to Norfolk Southern, any information you provide on your health status, including vaccination status, remains confidential.

### **Additional FAQs**

**Q: Must all contractors comply with the executive order (including crew drivers)?**

A: Some of Norfolk Southern's contractors may be covered by the requirements of the Executive Order as subcontractors to the government.

**Q: What do I do if I'm having technical difficulties with this process?**

A: If the instructions on the [411 website](#) did not resolve your issues, call the IT helpdesk at 404-529-1527.

**Q: What do I do if I think I have experienced discrimination or harassment?**

A: Contact the NS EEO group at [eeo@nscorp.com](mailto:eeo@nscorp.com) or 1 888 TALKEEO.

**Q: How does this impact current applicants and job offerees?**

A: Our Talent Acquisition team has processes in place to communicate the requirements of the mandate with applicants and job offerees.

**Q: I'm an intern, how does this impact me?**

A: Interns must comply with the Executive Order.

**Q: Are international employees who work in the United States required to be vaccinated?**

A: All employees who work for Norfolk Southern in the United States are covered by the mandate.

**Q: Are we going to maintain the COVID notification process at 650 WPT?**

A: We will continue to follow our COVID notification and contact tracing process. We will continue to monitor safety best practices and adjust as recommended by the CDC.

**Q: Does the Executive Order apply to subsidiaries and the Crown Companies?**

A: Yes, it applies to subsidiaries and the Crown Companies.

**Q: If I'm not in active service on January 4, 2022, do I have to comply with the Executive Order?**

A: In order to return to active service, you will have to comply with the requirements that Norfolk Southern has implemented in order to comply with the Executive Order.

**Q: Will I be required to return NS assets if I do not comply with the Executive Order?**

A: Yes, if you decide to end your employment relationship, and we sincerely hope that you do not, you will be required to return all NS property.

**Q: How do I host visitors to come on to NS property?**

A: Contact your Human Resources Business Partner, who will walk you through the process.